

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENNIFER LEE JONES,

Defendant.

CR 08-81-GF-DLC

ORDER

FILED

MAY 30 2013

Clerk, U.S. District Court
District Of Montana
Missoula

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on April 17, 2013. Defendant admitted she had violated Special Conditions 2, 3 and 5 by failing to attend substance abuse treatment sessions, by failing to report for scheduled mental health evaluations, and by consuming alcohol. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months, to be followed by 6 months of supervised release in the Billings, Montana Residential

Re-Entry Center.

On April 26, 2013, the United States moved to reopen the revocation hearing because Defendant had been denied placement at the Billings Residential Re-Entry Center and therefore she could not complete the recommended sentence. The motion was unopposed.

Judge Strong reopened the revocation hearing on May 1, 2013. The parties agreed that violations of Defendant's supervised release conditions had been established, and only sentencing needed to be revisited. Judge Strong recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of 10 months, with no supervised release to follow. No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that she violated Special Conditions 2, 3 and 5. The United States Sentencing Guidelines call for 4 to 10 months imprisonment. This Court agrees that a sentence of 10 months custody followed by no supervised release is appropriate as this is Defendant's second revocation, Defendant's underlying crime is a serious

violent offense, and the previous and current supervised release violations demonstrate that supervised release is not effective.

IT IS ORDERED that Judge Strong's Amended Findings and Recommendations (doc. 49) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 30th day of May, 2013.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court